

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**RICHARD J. MELOCCARO,**

**Defendant.**

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**CASE NO. 8:07CR153**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 17) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 12). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence seized from his motel room and vehicle on March 6, 2007. Judge Thalken concluded: the Defendant voluntarily consented to a search of the motel room and vehicle; and the Defendant was fully advised of his *Miranda* rights and made a voluntary statement. Therefore, Judge Thalken recommended that the Defendant's motion to suppress be denied.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 13, 15) and the transcript (Filing No. 23). The Court has also viewed the evidence. (Filing No. 19). Because Judge Thalken fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 17) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 12) is denied.

DATED this 11<sup>th</sup> day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge